

**Declaration and Power of Attorney for Patent Application**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled Method and Apparatus for the Treatment of Sleep Apnoea and Snoring Attorney Docket No. PL10/003, the specification of which

(check  is attached hereto.  
one)

[ ] was filed, with my authority, on \_\_\_\_\_  
as Application Serial No. \_\_\_\_\_  
and was amended on \_\_\_\_\_ (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to in the declaration.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

And I hereby appoint the attorneys associated with Customer No. 021567, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

DIRECT ALL COMMUNICATIONS IN OR PERTAINING TO THIS APPLICATION TO:

WELLS ST. JOHN P.S.  
601 West First Avenue, Suite 1300  
Spokane, WA 99201-3828  
Telephone: (509) 624-4276  
(PTO Customer No. 021567)

### Foreign Application(s)

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

|                                      |                                 |                                       |            | <u>Priority Claimed</u> |
|--------------------------------------|---------------------------------|---------------------------------------|------------|-------------------------|
| <u>531829</u><br>(Number)            | <u>NEW ZEALAND</u><br>(Country) | <u>18 March 2004</u><br>(Filing Date) | <u>Yes</u> | <u>No</u>               |
| <u>PCT/NZ2005/000050</u><br>(Number) | <u>PCT</u><br>(Country)         | <u>18 March 2005</u><br>(Filing Date) | <u>Yes</u> | <u>No</u>               |

### U.S. Provisional Application(s)

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

|   |                           |
|---|---------------------------|
| <u>/</u><br>(Provisional Application No.) | <u>/</u><br>(Filing Date) |
| <u>/</u><br>(Provisional Application No.) | <u>/</u><br>(Filing Date) |

### U.S. Patent Application(s)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

|                                 |                      |  |
|---------------------------------|----------------------|--|
| <u>(Application Serial No.)</u> | <u>(Filing Date)</u> | <u>(Status)</u><br>(patented, pending, or abandoned) |
| <u>(Application Serial No.)</u> | <u>(Filing Date)</u> | <u>(Status)</u><br>(patented, pending, or abandoned) |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

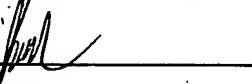
The undersigned to this Declaration and Power of Attorney hereby authorizes the U.S. attorneys named herein to accept and follow instructions from

**P.L. BERRY & ASSOCIATE, 61 Cambridge Terrace (P.O. BOX 1250) Christchurch,  
New Zealand**

[Firm Name and Address]

as to any actions to be taken in the U.S. Patent and Trademark Office regarding this application without direct communication between the U.S. attorneys and the undersigned. In the event of a change in the persons from whom instructions may be taken, the U.S. attorneys will be so notified by the undersigned.

Full name of sole or first joint inventor SHAW, David, Peter

Inventor's signature  Date 11/9/06  
Residence: **Cossars Road, Tai Tapu, R.D. 2, Christchurch, New Zealand**  
Citizenship **NEW ZEALAND**  
Post Office Address: **(as above)**

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Full name of second joint inventor, if any \_\_\_\_\_

Second Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_  
Residence \_\_\_\_\_  
Citizenship \_\_\_\_\_  
Post Office Address \_\_\_\_\_

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Full name of third joint inventor, if any \_\_\_\_\_

Third Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_  
Residence \_\_\_\_\_  
Citizenship \_\_\_\_\_  
Post Office Address \_\_\_\_\_